

U.S. Patent Application No. 10/076,209
Amendment dated June 8, 2004
Reply to Office Action dated March 9, 2004

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the amendment, claim 1 has been amended to recite that at least one emulsifier is also present which is the same language as set forth in previously-amended claim 2. Also, the subject matter of claim 23 has been incorporated into claim 1. Claim 14 has been amended to be dependent on claim 2 and claims 22-23 have been canceled and claims 24-25 have been amended to provide more clarity to these claims. Accordingly, since the amendment to claim 1 was previously examined in claims 2 and 23, and claim 14 was previously examined, as well as claims 24-25, no new questions of patentability should arise and no need to further to conduct further searching should arise due to these amendments. In addition, the amendments place the application in immediate condition for allowance, or at the very least, in a better condition for appeal. Finally, no questions of new matter should arise by this amendment since the amendment is clearly supported in the present application and in the claims previously filed and considered by the Examiner. Accordingly, for these reasons, the amendment should be entered and considered.

As indicated, claim 1 has been amended to include the language of claim 23, which was not rejected by any prior art cited by the Examiner.

At page 2 of the Office Action, the Examiner rejects claims 23-25 under 35 U.S.C. §112, second paragraph. The Examiner asserts that claims 23 and 25 are indefinite because a hydrocarbon-based fluid cannot be emulsified into a formate or carboxylic salt. Furthermore, the Examiner asserts that claims 24 and 25 do not have proper antecedent basis. For the following

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reasons, this rejection is respectfully traversed.

While these claims are clear, to make the claims even more clearer, claim 25 has been amended to recite that the hydrocarbon-based fluid is emulsified into an aqueous fluid containing the alkali metal formate. Furthermore, with respect to claim 23, this claim is now canceled. However, the language is also present in amended claim 1, which now recites that the hydrocarbon-based fluid is emulsified into an aqueous fluid containing the alkali metal formate or monovalent carboxylic salt.

Furthermore, claims 24 and 25 have been amended to provide antecedent basis. Accordingly, for these reasons, the rejection should be withdrawn.

At the bottom of page 2 of the Office Action, the Examiner rejects claims 1, 11, 12, 17, 20, and 22 under 35 U.S.C. §102(b) as being anticipated by Rines (H935). The Examiner asserts that Rines relates to a drilling fluid which contains an invert emulsion which contains a hydrocarbon, a brine comprising a salt such as potassium acetate, and a sealing or fluid loss additive, such as cement. For the following reasons, this rejection is respectfully traversed.

To expedite the prosecution of the present application, the subject matter of claim 23, which was not rejected, has been incorporated into claim 1. Accordingly, for at least these reasons, the rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claim 14 under 35 U.S.C. §102(b) as being anticipated by Dobson (U.S. Patent No. 5,804,535). The Examiner still asserts that Dobson shows a drilling fluid which contains formate salts alone or in conjunction with solid weighting agents. For the following reasons, this rejection is respectfully traversed.

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The Examiner is not giving any weight to the claim from the standpoint that the amount of solids content can be reduced by using the drilling fluids of the present invention, which Dobson does not teach or suggest. To further assist the Examiner, claim 14 has been amended to be dependent on claim 2, which the Examiner has allowed. Accordingly, for this reason, this rejection should be withdrawn.

Finally, the Examiner does indicate that claims 2-10, 13, 15, 18, 19, and 21 are allowable over the art of record. The applicants and the undersigned appreciate the Examiner's indication of the allowance of these claims. In view of the comments set forth above, the remaining claims should now be in condition for allowance.

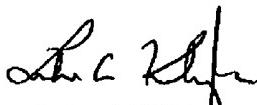
The Examiner is requested to contact the undersigned should there be any remaining questions.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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Atty. Docket No. 00072CIP (3600-306-01)
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